Supreme Court, U.S.
FILED
AUG 12 1994
OFFICE OF THE CLERK

Case Number: 94-198

(2)

In The
Supreme Court of the United States
October, 1994 Term

ROBERT G. KILE,
Petitioner,
v.

SUPERIOR COURT OF PLACER COUNTY
CALIFORNIA APPELLATE DEPARTMENT
Respondent,

ELEANORE MARY TREPANTIS,
Respondent/Real Party In Interest

ON PETITION FOR CERTIORARI TO THE
SUPERIOR COURT OF PLACER COUNTY
CALIFORNIA APPELLATE DEPARTMENT

SUPPLEMENTAL BRIEF (LOCAL RULE 15.7)

BY:

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August 12, 1994

Introduction

Petitioner is privy to evidence that respondent court ALSO disregarded filed objection in another appellate case on the EXACT same day of "4-6-94" . . . . petition pages 4-6, 3 a. Because it is incumbent that this Honorable Court be informed of the widespread violation of due process, Petitioner is hereby submitting this supplemental brief pursuant to Local Rule 15.7 and prays that it be considered. Petitioner hereby requests judicial notice of [THAT] case:

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER
APPELLATE DEPARTMENT

William J. Zisk and Lois E. Zisk, Appellants
vs.
Kent r. Walker, Respondent

NO. SAP-0310

PUBLIC IMPORTANCE

Judicial disqualification "Legislation" is codified in CCP 170.3. Petitioner submits that it is of SUBSTANTIAL public importance when a judge disregards [law] by deciding CASES when he/she is deemed disqualified, thus INTERESTED in outcome[s] and designs ruling[s] accordingly, having a "fixed predeliction/predisposition to decide a cause or issue in a certain way with a mental attitude or disposition towards a party to the litigation", ***Pacific Etc. Conference of United Methodist Church v. Superior Court*** 82 Cal App 3d 86,87 (1978), ***T.P.V. v. Superior Court supra***.

STATEMENT OF FACT

On March 14, 1994, respondent court filed an order striking the Zisk's objections purportedly as not complying with CCP 170.3. On March 22, 1994, the Zisks re filed objections to respondent court hearing, considering or determining the appeal. On "4-6-94", without any answer/response from respondent court or from Mr. Walker, to the filed objections, respondent court signed, dated and caused a decision to be filed affirming the adverse lower court judgment involving judge ***"Willoughby"***; ***Willoughby*** being past respondent court Judge prior to just being sworn in the Municipal Court . . . AND a brotherinlaw to the judge backdating the order striking petitioner's January 28, 1994 filed objections . . . PETITION PAGES 4-6, 3a-("Willoughby"), 4a.

"Willoughby" violated the statute when he granted the second dismissal [in petitioner's case] because the first dismissal by Thieler was a "final judgment" in favor of real party. Roybal v. University Ford s. [illegible]

STATEMENT OF LAW

"Legislation" specifically and expressly states that if the judge does not act within ten days to filed objection, he/she admits cause and disqualification in automatic. The court looses authority/jurisdiction . . . Petition pages 4-6. It appears that the Zisk decision is also void on it's face for want of authority/ jurisdiction as a matter of law; that alone constitutes violation of due process.

Respondent court was under ethic duty and 'Legislative mandate' to enter disqualification[s] in the record for failure to timely act and to direct the court clerk to notify the Judicial Council of the need for replacement[s] ... Petition page 1.

Petitioner's decision is likewise a result of judicial interest(s) in the outcome of the appeal(s).

Petitioner reproduced the [full] text of the respondent court decision after being informed of that requirement by the Clerk, and hereby also seeks input to that added text in the interests of justice, petition page 1a-3a:

1. Although the court admits merit to Petitioner's motion for reconsideration, it chose to then limit it's focus on affirming the SECOND dismissal because the first is violation of due process . . . petition page 4a*.

2. Although the respondent court was totally aware that Thieler's dismissal was a final judgment, it designed a decision violating CCP 391.1. Pursuant to CCP 391.1, ***"Willoughby"*** was totally without authority. His [order] is likewise void on its face . . . Petition page 4, 4a**. Petitioner is purportedly a vexatious litigant for also challenging Thieler's dismissal even though that challenge was meritorious . . . Petition page 4a****.

3. Although the respondent court was aware an award of attorney fee sanctions are in excess of the court's power under the vexatious litigant statute, it then designed its decision in total disregard of the supporting case law[s] . . . Petition page 3, 4a***.

4. Although the court was aware the vexatious litigant statute requires two prerequisites, it chose to design a decision in violation of the statute. Irrespective of respondent court affirming the lower court's "finding" that petitioner, instead of real party, was a vexatious litigant, it made absolutely NO reference as to the second 'prerequisite' . . . petition page 4a**.

The truth is that the real party never submitted the second prerequisite as a ground to her motion. As a matter of law, petitioner had already "won/Prevailed" . . . Petition pages 3, 6-8, 4a****.

CONCLUSION

Petitioner's and Zisk's decision are evidence respondent court being 'interest' to affirm adverse judgments. Due process rights were disregarded violating State and Federal Constitutional provisions. It appears respondent court [routinely] disregards LAW and ethical duties . . . "No man is permitted to try cases where he has an interest in the outcome" ***People v. Hernandex*** 160 Cal App 3d 747 (1984), ***U.S. v. Ferguson*** 550 F Supp 1260 (1982), ***In Re Murchinson*** 349 U.S. 136 (1955).

RESPECTFULLY SUBMITTED THIS AUGUST 12, 1994
ROBERT G. KILE - PETITIONER

VERIFICATION

I Robert G. Kile, am petitioner in this Honorable Court. I have personally prepared this SUPPLEMENTAL BRIEF and have read it and am familiar with its content. As to those matters of statements of personal knowledge, I declare them to be true and correct. As to those matters of statements under information and belief, I believe them to be true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED THIS AUGUST 12, 1994
ROBERT G. KILE - PETITIONER